



**DEPARTMENT OF THE NAVY**  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5720  
Ser BPMOW.els/036  
February 12, 2019

Mr. Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility  
962 Wayne Avenue, Suite 610  
Silver Spring, MD 20910

Dear Mr. Ruch:

This responds to your Freedom of Information Act (FOIA) request of October 23, 2018 in which you seek the Navy's per-and polyfluoroalkyl substances (PFAS) policies and information about whether these policies are being followed. Specifically, you requested:

- Complete copies of the latest PFAS sampling reports issued by the Navy for Navy Base Realignment and Closure (BRAC) sites in California;
- All correspondence between the Navy BRAC program and public and private water districts and regional Water Boards related to PFAS sampling reports for BRAC sites former Marine Corps Air Station Tustin and former Marine Corps Air Station El Toro for the period January 1, 2014 to present; and
- Decision documents regarding the Navy's determination not to delineate PFAS plumes at former Marine Corps Air Station Tustin and former Marine Corps Air Station El Toro.

Your request was received by this office on October 30, 2018 and assigned Case File Number DON-NAVY-2019-000699. We responded on November 28, 2018 and noted an estimated completion date of January 30, 2019.

Despite diligent efforts since that time, we are unable to provide you a final determination on your request because of the need to consult with another naval activity or another agency which has substantial subject-matter interest in the release determination of identified responsive records, and due to the need to examine a substantial number of responsive records. The processing of your request is continuing and is expected to be completed by **March 22, 2019**.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA ONLINE, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

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The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [Christopher.A.Julka@navy.mil](mailto:Christopher.A.Julka@navy.mil) or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have any questions concerning this matter, Ms. Erica Spinelli is familiar with your request and may be of assistance. She may be contacted at [erica.spinelli@navy.mil](mailto:erica.spinelli@navy.mil) or at 619-524-5926.

Sincerely,

A handwritten signature in black ink that reads "Alan K. Lee". The signature is written in a cursive, slightly stylized font.

ALAN K. LEE  
Director  
Acting